OUTGOING TELEGRAM
DEPARTMENT OF STATE

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FORM DS 322(OCR)

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CONFIDENTIAL

DECLASSIFIED

IO/UNP-TSCULLY:L/UNA-SNELSON:LCW
4-17-73 X 20333
IO-SDEPALMA

IO/UNP-SHMCINTYRE
IO/UNP-LTSTULL
PM/AE-ATURRENTINE(SUBS)

NASA-PHARTMAN(INFO)
DOD/ISA-DANDERSON(INFO)

DEPARTMENT OF STATE A/CDC/MR
REVIEWED BY: [illegible] DATE: 4/25/03
RDS ☐ or XDS ☐ EXT. DATE
TS AUTH: REASON(S)
ENDORSE EXISTING MARKINGS ☐
DECLASSIFIED ☑ RELEASABLE ☑
RELEASE DENIED ☐
PA or FOI EXEMPTIONS

IMMEDIATE USUN NEW YORK

ROUTINE MOSCOW

E.O. 11652: GDS
TAGS: TSPA, PFOR, UN, UR
SUBJECT: OUTER SPACE LEGAL: MOON TREATY-RESOURCE ISSUE
REF: (A) USUN 1191; (B) USUN 1360

1. WE SUPPORT INCLUSION OF NEW CONCLUDING SENTENCE IN ARTICLE X(2) AS PROPOSED BY CAPOTORTI, WITH DELETION OF WORDS "A TEMPORARY AND LIMITED", SO THAT SENTENCE WOULD NOW READ: "THE FOREGOING PROVISIONS ARE WITHOUT PREJUDICE TO THE INTERNATIONAL REGIME REFERRED TO IN PARAGRAPH 4 OF THIS ARTICLE, AS WELL AS TO EXPLOITATION OF THE NATURAL RESOURCES OF THE MOON OR OTHER CELESTIAL BODIES PENDING THE ESTABLISHMENT OF SUCH A REGIME."

2. IN ADDITION TO ABOVE, COMPLETE TEXT OF CAPOTORTI LANGUAGE FOR ARTICLE X(2) WOULD BE ACCEPTABLE IF FIRST SENTENCE MODIFIED BY DROPPING REFERENCE TO ARTICLE V(2) AND BY INSERTING "IN PLACE" AFTER "NATURAL RESOURCES". NEW SENTENCE WOULD READ "NEITHER THE SURFACE NOR THE SUBSURFACE OF THE MOON OR OTHER CELESTIAL BODIES, NOR ANY AREA THEREOF, OR NATURAL RESOURCES IN PLACE, SHALL BECOME THE PROPERTY ..." (CONTINUE AS BEFORE).

3. IN ACCEPTING THIS COMPROMISE, DELEGATION SHOULD MAKE STATEMENT INCORPORATING FOLLOWING POINTS: (A) WE INTERPRET NEW LANGUAGE AS EXCLUDING CONCEPT OF MORATORIUM; (B) ADDITION OF WORDS "IN PLACE" IS INTENDED TO MAKE IT

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CLEAR THAT PROHIBITION ON ASSERTION OF PROPERTY RIGHTS WOULD NOT APPLY TO RESOURCES ONCE REDUCED TO POSSESSION THROUGH EXPLOITATION; AND (C) WORDS "INDIVIDUAL STATES" IN LAST SENTENCE IS INTENDED TO INCLUDE NON-GOVERNMENTAL ENTITIES AND NATURAL PERSONS OF AN INDIVIDUAL STATE.

4. IN ADDITION TO MODIFICATIONS TO ARTICLE X(2) SET FORTH ABOVE, DELEGATION SHOULD MAKE STRONG EFFORT TO OBTAIN DELETION OF "BY ALL STATES" IN ARTICLE X(5) TO AVOID PRECLUDING POSSIBILITY THAT SHARING MIGHT BE LIMITED TO STATES AGREEING TO INTERNATIONAL REGIME. IF THIS IS NOT POSSIBLE DELEGATION SHOULD MAKE POINT FOR THE RECORD THAT "EQUITABLE" SHARE MIGHT OF COURSE DEPEND IN PART ON WILLINGNESS OF PARTICULAR STATE TO BECOME PARTY TO THE INTERNATIONAL REGIME.

5. WE AGREE WITH DELEGATION VIEW THAT NEW SWEDISH VERSION OF ARTICLE X(7) IS IMPROVEMENT OVER EARLIER WORDING. 44